



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

APR 6 2010

Re: **Stamm Building, 221 2nd Street, Milwaukee, Wisconsin**
Project Number: 19956

Dear ..

My review of your appeal of the decision of Technical Preservation Services (TPS), denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you and .. of the City of Milwaukee for speaking with me via conference call on February 25, 2010, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the photographs and floor plans submitted after our meeting, I have determined that the rehabilitation of the Stamm Building is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on September 8, 2009, by TPS, and reiterated by that office on September 21, 2009, and on November 20, 2009, is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

Built in 1855, the Stamm Building is located in the Walker's Point-Fifth Ward Historic District and was certified as contributing to the significance of the district on May 1, 2007. On that same date TPS approved the submitted "Part 2 - Description of Rehabilitation," with several conditions. Condition 5 stated in part that, "Where plaster or drywall remains, a finish of plaster or drywall must be maintained." Photographs of the completed work submitted two years later showed that drywall was removed from the two retail spaces behind the storefronts to expose the brick beneath. Additionally, the drywall ceiling was removed from the south retail space to expose the ceiling joists. In response, TPS denied certification to the completed rehabilitation in its September 8, 2009, letter, finding that the rehabilitation "has given the building an industrial character that is inconsistent with its historic character as a building with mixed industrial/retail uses historically."

I agree with this assessment. The front retail spaces in both halves of the building were primary spaces. Removing wall and ceiling finishes to expose brick walls or ceiling structure is a contemporary practice that does not accord with the character of historic buildings in general or of the Stamm Building in particular. As a result, I find that the rehabilitation has caused the project not to meet Standards 2, 5, and 6. Standard 2 states: *"The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."*

Standard 5 states: *"Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved."* Standard 6 states: *"Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."*

Your letter to me dated February 23, 2010, states that, "The prior condition of the retail spaces was drywall from a renovation in the late 1970's which covered up a cream city brick wall. When the drywall was removed due to moisture issues from the leaking roof there was absolutely no evidence of a prior wall covering on the exposed cream city brick wall or ceiling."

I have considered the evidence you presented to support this contention, but do not find it convincing. Prior to the start of this rehabilitation, the north retail space featured a stamped tin ceiling and walls finished in drywall. Moreover, while the pre-rehabilitation photographs are limited in number and quality, several details suggest that the retail spaces had indeed featured plastered walls and finished ceilings. For example, photograph #9 among those labeled "Part 2" (prior to rehabilitation) shows the freight elevator on the north wall at the rear of the building. The portion of this wall from the elevator west toward the rear is clearly shown as finished with plaster. In addition, the photograph on page five of the booklet prepared for our conference call shows the freight doors in the building's west (rear) wall. The interior of this wall is plastered, as is the section of the south wall pictured. These spaces were the most utilitarian on the ground floor, and yet they were plastered. Given the building's construction date (mid-nineteenth century) and function as a commercial space, it would have been anomalous in the extreme for these secondary spaces to have featured plastered walls while the main retail space in the front did not, especially when the front commercial space featured a tin ceiling.

More telling, photograph #12 in the "Part 2" series shows the interior of the north storefront. The column shown in the northeast corner is finished and retains its historic baseboard trim. This strongly suggests that the rest of this retail space in the front room was finished as well. (I note that the photograph of the completed work shows that the wall finish and trim were removed from this column, along with the paneling beneath the storefront windows.)

Given these details and others evident throughout the file, I am forced to conclude that the Stamm Building historically featured finished walls and ceilings in the front commercial spaces. Since the rehabilitation has imposed a new, unfinished character on these character-defining spaces, it does not meet the basic statutory test for certification.

Please note that in making this decision, I have not relied on the "first floor" photographs in the application file showing plaster "ghost marks" on the furring strips. I accept your statement that these photographs are not of the Stamm Building, but rather of the neighboring building at 231 S. 2nd Street, which you also own. They were apparently accidentally included in the material you submitted to TPS in response to its decision of September 8, 2009. Although TPS cited these photographs in its letter of September 21, 2009, this second letter merely elaborated on the denial of certification issued in its September 8 letter. Thus, neither the TPS decision nor mine was based on these apparently misfiled photographs.

As mentioned above, the photographic documentation supplied to the National Park Service throughout this process has been spotty at best. This is true for the north side of the building, but is especially true of the south half. Consequently, if you have any other evidence not made available heretofore, I would be willing to consider it.

Although the project as undertaken to date cannot be approved, I have determined that it could be brought into conformance with the Standards and thus meet the minimum test for certification if the spaces at issue were to be refinished in plaster or drywall. If you choose to proceed with this corrective work, you may secure certification of the rehabilitation by submitting a Part 3 – Request for Certification of Completed Work with photographs of the completed work to TPS, Attention: _____ with a copy to the State Historical Society of Wisconsin. Please note that this project will remain ineligible for the tax incentives until it is designated a “certified rehabilitation” following completion of the overall project.

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the denial that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Burns', with a long, sweeping horizontal line extending to the right.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-WI
IRS